

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                          |   |                           |
|--------------------------|---|---------------------------|
| SHANITA NICHOLSON,       | ) | Case No.: 1:20 CV 1771    |
|                          | ) |                           |
| Plaintiff                | ) | JUDGE SOLOMON OLIVER, JR. |
|                          | ) |                           |
| v.                       | ) |                           |
|                          | ) |                           |
| TRANSWORLD SYSTEM, INC., | ) |                           |
|                          | ) |                           |
| Defendant                | ) | <u>ORDER OF REMAND</u>    |

Currently pending before the court in the above-captioned case is Defendant Transworld System, Inc.’s (“Defendant” or TSI”) Unopposed Motion for Remand (“Motion”) to the Cuyahoga County Court of Common Pleas. (ECF No. 5.) For the following reasons, the court grants the Motion.

**I. BACKGROUND**

Plaintiff Shanita Nicholson initiated a civil action against Defendant in the Cuyahoga County Court of Common Pleas on March 19, 2020, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*; violation of Ohio’s Consumer Sales Practices Act, Ohio Rev. Code § 1345.31, *et seq.*; and invasion of privacy. (Compl., ECF No. 1-1.) Defendants filed a Notice of Removal (ECF No. 1) and an Answer (ECF No. 2) in this court on August 11, 2020. Shortly thereafter, on August 17, 2020, Defendants filed this Unopposed Motion to Remand to state court.

**II. LAW AND ANALYSIS**

Removal from state court to federal court is proper for “any civil action brought in a [s]tate

court of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a). However, 28 U.S.C. § 1446(b)(1) requires that “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” Despite making representations to the contrary in its Notice of Removal, Defendant have since learned information showing that “the removal was not timely filed.” (Mot. at PageID #24, ECF No. 5.) Because the removal was not timely, Defendant’s request to remand is well-taken.

### **III. CONCLUSION**

For the foregoing reasons, the court grants Defendant’s Unopposed Motion to Remand (ECF No. 5). This matter is hereby remanded back to the Cuyahoga County Court of Common Pleas.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

August 26, 2020